

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: December 1, 2009  
Electronic Signature for Todd W. Wight: /Todd W. Wight/

Docket No.: 101671.0057P  
(PATENT)  
EFS WEB

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Jurgen Dorn et al.

Application No.: 10/541,875

Confirmation No.: 7921

Filed: April 5, 2006

Art Unit: 3734

For: TRANS-LUMINAL SURGICAL DEVICE

Examiner: J. L. Hornberger

**RESPONSE TO ELECTION OF SPECIES REQUIREMENT**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action mailed October 1, 2009 (Paper No. 1), Applicant hereby provisionally elects claims 1-26 and 39-40 for continued examination without traverse.

The Examiner has required a species election, as follows:

1. Species I drawn to Figs. 1, 2A, and 2B;
2. Species II drawn to Figs. 3; 3A, 3B, and 4; and
3. Species II drawn to Figs. 5 and 6.

Applicant hereby elects Species I drawn to Figures 1, 2A, and 2B without traverse. The claims believed to encompass the elected Species I are claims 1-26 and 39-40.

Application No.: 10/541,875

Docket No.: 101671.0057P

If any further fees are due associated with this filing, please charge our Deposit Account No. 50-2191, under Order No. 101671.0057P from which the undersigned is authorized to draw.

Dated: December 1, 2009

Respectfully submitted,

Electronic signature: /Todd W. Wight/

Todd W. Wight

Registration No.: 45,218

RUTAN & TUCKER

611 Anton Blvd, Suite 1400

Costa Mesa, California 92626

(714) 641-5100

Patents@Rutan.com